

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAMAR BROWN, on behalf of himself and all
others similarly situated,

Plaintiff,

-v.-

L'OVEDBABY, LLC,

Defendant.

22 Civ. 9068 (JHR)

ORDER OF DISMISSAL

JENNIFER H. REARDEN, District Judge:

On October 24, 2022, Plaintiff Lamar Brown filed the Complaint in this case. *See* ECF No. 1. Defendant was served with process on December 14, 2022. *See* ECF No. 5. Defendant's response was due on January 4, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) ("A defendant must serve an answer . . . within 21 days after being served with the summons and complaint."). Defendant has not responded to the Complaint or otherwise appeared.

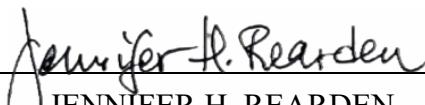
On January 19, 2024, the Court issued an Order to Show Cause directing Plaintiff, by January 29, 2024, to "move for a default judgment against Defendant or show cause why this action should not be dismissed for failure to prosecute." ECF No. 6. The Court cautioned Plaintiff that "[f]ailure to submit a timely and proper motion for default judgment may result in dismissal without prejudice of this case." *Id.* Plaintiff has not requested a certificate of default, filed a motion for default judgment, or taken any other action.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962), the Court hereby dismisses this case, without prejudice, for failure to prosecute.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: January 31, 2024
New York, New York



JENNIFER H. REARDEN
United States District Judge